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UEBT RETIREE HEALTH PLAN, UFCW &
EMPLOYERS BENEFIT TRUST FUND, and BOARD OF
TRUSTEES OF THE UFCW & EMPLOYERS BENEFIT
TRUST FUND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAROLD BARLING, on behalf of himself, and
all others similarly situated,

Plaintiff,

v.

UEBT RETIREE HEALTH PLAN, UFCW &
EMPLOYERS BENEFIT TRUST FUND, and
BOARD OF TRUSTEES OF THE UFCW &
EMPLOYERS BENEFIT TRUST,

Defendants.

Case No. C14-4530 VC

**JOINT STIPULATION REGARDING
PROPOSED CONTINUANCE OF
HEARING DATE ON MOTIONS FOR
SUMMARY JUDGMENT; ~~PROPOSED~~
ORDER**

Defendants UEBT Retiree Health Plan, WFCE & Employers Benefit Trust Fund, and Board of Trustees of the UFCW & Employers Benefit Trust Fund (“collectively “Defendants”) and Harold Barling (“Plaintiff”), on behalf of himself and all others similarly situated, and pursuant to Civil Local Rules 6-1, 6-2, 7-7, and 7-12, hereby agree to the following:

WHEREAS, at the January 6, 2015 Case Management Conference (“CMC”), pursuant to the parties’ Joint Case Management Statement (“JCMS”), the hearing on the parties’ Cross-Motions for Summary Judgment relating to the merits of Plaintiff’s claims (the “MSJs”) was scheduled for April 30, 2015 at 10:00 a.m.

WHEREAS, the parties desire to conduct mediation prior to filing the MSJs.

WHEREAS, the parties’ JCMS provided that the parties intended to complete private mediation by March 31, 2015. Shortly after the CMC, the parties scheduled mediation for February 25, 2015, however, ongoing discovery necessitates a brief continuance of the mediation.

WHEREAS, as of mid-February, the mediator’s next available date was March 24, 2015. The parties have rescheduled the mediation for that date.

IT IS HEREBY STIPULATED AND AGREED by and amongst the parties, through their respective counsel of record, to set the following briefing schedule and hearing date for the MSJs:

Plaintiff’s motion filed: April 2, 2015;

Defendants’ opposition and motion filed: April 23, 2015;

Plaintiff’s opposition and reply filed: April 30, 2015;

Defendants’ reply filed: May 7, 2015; and

Hearing Date: May 21, 2015 at 10:00 a.m.

The parties respectfully request that the Court grant the proposed continuation of the briefing schedule and hearing date for the reasons stated above. The parties do not anticipate that this request will have any impact on the existing schedule for the case, and they further certify that there have been no prior time modifications for deadlines or hearing dates in this case.

1 DATED: March 3, 2015

Respectfully submitted,

2 LEWIS, FEINBERG, LEE, RENAKER &
3 JACKSON, P.C.

4 By /s/ Teresa S. Renaker
5 Teresa S. Renaker

6 DATED: March 3, 2015

BOLT KEENLEY KIM LLP

7 By /s/ James P. Keenley
8 James P. Keenley

9 Attorneys for Plaintiffs

10 SEYFARTH SHAW LLP


11 DATED: March 3, 2015

12 By: /s/ Michelle M. Scannell
13 Kathleen Cahill Slaughter
Michelle M. Scannell

14 Attorneys for Defendants

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 DATED: March 5, 2015

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United States District Judge Vince Chhabria

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